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10/540,806	06/27/2005	Gerhardus Engbertus Mekenkamp	NL021459	9274
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			ELLIS, KEVIN L	
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2188	
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			11/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,806

Applicant(s)

MEKENKAMP ET AL.

Examiner

Kevin L. Ellis

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-10 are presented for examination.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Millard, WO 02/067125, in view of Lambert et al., U.S. Patent Application US 2002/0099952.

A) As to claim 1, Millard discloses the invention substantially as claimed. There is a method of storing content on a removable medium, the method comprising the steps of: providing a user interface for selecting a first content item stored on a storage means (§ 14-17 and 67); and storing content on the removable medium (§ 14-17, 31, 42, and 67), retrieving a further content item related to the first content item from a system on a network using an identification of the content item (§ 31, 42, and 71-72), and storing content on the removable medium comprises storing the further content item on the removable medium (§ 31 and 42).

However, Millard does not explicitly disclose the types of identifiers used to identify the first content item. It is inherent that Millard does use some type of identifier though. For example, in order for the system of Millard to allow the storing of a season of racing as described in paragraph 72, the system must be able to identify the type of program to

be downloaded and added to the removable media (here a Grand Prix season versus other types of shows or sports) and be able to identify which races have already been added to the removable media. Accordingly, the various types of identifiers listed in the claim would have been obvious in order for Millard to accomplish the invention. For example, providing a "fingerprint" of a content that's used to identify that content is known, this is taught by Lambert et al. at paragraph 55. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used various means of identifying the first content item to match the further content item with.

- B) As to claim 2, the step of storing content on the removable medium further comprises storing the content item on the removable medium (§ 14-17, 31, 42, and 67).
- C) As to claim 3, further Millard the step of providing a user interface for paying for the further content item (§ 43).
- D) As to claim 4, further Millard discloses: characterized by further comprising a step of determining whether a user is a subscriber (§ 72).
- E) As to claim 5, wherein the step of retrieving a further content item comprises retrieving at least one of: a removed scene, an added scene, a biography, a documentary, an image, an advertisement, a menu, a menu comprising an advertisement, and a trailer (§ 36). When a season of a sitcom is retrieved wherein the storage medium did not have all of the episodes, "added scenes" are said to be retrieved, which is one of the listed items.
- F) As to claim 6, wherein the step of storing content on the removable medium further comprises storing a menu on the removable medium (§ 36 lines 29-31 and § 72).

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- G) As to claim 7, wherein the step of retrieving a further content item comprises retrieving a part of a master copy of the content item, the part not being present in the content item (§ 36, 72). If the content item is a television series, or a season of races; the episodes or races that the user does not have can be downloaded from the "master copy."
- H) As to claim 8, Millard discloses the invention substantially as claimed. There is an electronic device for storing content on a removable medium, the electronic device comprising: a writer able to store content on the removable medium (Fig 6 Ref 616 and § 39); and a control unit able to use an input device and an output device to enable a user to select a first content item stored on a storage means (Fig 6 Ref 614, 618 and § 14-17, 39, and 67) wherein: further comprises is a network interface (Fig 7 Ref 704 and § 44); the control unit is able to use the network interface to retrieve a further content item related to the first content item from a system on a network using an identifier of the content item (§ 31, 42, and 71-72); and the control unit is able to use the writer to store the further content item on the removable medium (Fig 6 Ref 614 and § 39).

However, Millard does not explicitly disclose the types of identifiers used to identify the first content item. It is inherent that Millard does use some type of identifier though. For example, in order for the system of Millard to allow the storing of a season of racing as described in paragraph 72, the system must be able to identify the type of program to be downloaded and added to the removable media (here a Grand Prix season versus other types of shows or sports) and be able to identify which races have already been added to the removable media. Accordingly, the various types of identifiers listed in the claim would have been obvious in order for Millard to accomplish the invention. For example,

providing a "fingerprint" of a content that's used to identify that content is known, this is taught by Lambert et al. at paragraph 55. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used various means of identifying the first content item to match the further content item with.

- I) As to claim 9, further comprising the storage means (§ 14-17 and 67).
- J) As to claim 10, Millard discloses the invention substantially as claimed. There is a computer storage medium embodying program instructions that when executed cause a programmable apparatus to function as an electronic device for storing content on a removable medium, comprising functions for (Fig 6 Ref 612 and § 39): providing a user interface for selecting a first content item stored on a storage means (§ 14-17 and 67); retrieving a further content item related to the first content item from a system on a network using an identification of the content item (§ 31, 42, and 71-72); and storing the further content item on the removable medium (§ 31 and 42) .

However, Millard does not explicitly disclose the types of identifiers used to identify the first content item. It is inherent that Millard does use some type of identifier though. For example, in order for the system of Millard to allow the storing of a season of racing as described in paragraph 72, the system must be able to identify the type of program to be downloaded and added to the removable media (here a Grand Prix season versus other types of shows or sports) and be able to identify which races have already been added to the removable media. Accordingly, the various types of identifiers listed in the claim would have been obvious in order for Millard to accomplish the invention. For example, providing a "fingerprint" of a content that's used to identify that content is known, this is

taught by Lambert et al. at paragraph 55. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used various means of identifying the first content item to match the further content item with.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L. Ellis whose telephone number is 571-272-4205. The examiner can normally be reached on weekdays from 6:00AM-2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone numbers for the organization where this application or proceeding is assigned is 571-272-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kevin L. Ellis
Primary Examiner
October 31, 2007

Kevin L. Ellis